

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

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In re:

**John G. Maloney,**

Case No. 11-13985-1-rel  
Chapter 13

**Debtors**

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**HON. ROBERT E. LITTLEFIELD, JR. U.S. BANKRUPTCY JUDGE**

**EX-PARTE ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY**

First Niagara Bank, N.A. (hereafter "FNB") secured creditor herein, having moved for an order, pursuant to Section 362(d)(1) of the United States Bankruptcy Code, terminating the automatic stay as it applies to the lien interest of FNB, its servicing agent, nominees, successors and/or assigns; and a Conditional Order having been signed by this Court on August 29, 2012; and

**WHEREAS**, pursuant to the terms of the conditional order the Debtors were required to make the ongoing mortgage payments together with additional cure payments; and

**WHEREAS**, Debtor has defaulted in the payments to FNB as required by the conditional order; it is hereby

**ORDERED**, that the automatic stay instituted upon filing of the within bankruptcy case is hereby terminated pursuant to 11 U.S.C. Section 362(d)(1) as to the lien interest of FNB, its servicing agent, nominees, successors and/or assigns in the real property described in said


motion; and it is further

**ORDERED**, that the fourteen day stay of this order pursuant to Rule 4001(a)(3) of the F.R.B.P. is hereby waived; and it is further

**ORDERED**, that in the event this case is converted to a case under any other chapter of the U.S. Bankruptcy Code, this Order will remain in full force and effect; and it is further

**ORDERED**, that FNB shall immediately provide an accounting to the trustee of any surplus monies realized.

DATED: 12/9, 2013  
Albany, New York

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**HON. ROBERT E. LITTLEFIELD, JR.**  
United States Bankruptcy Judge

**RECEIVED & FILED**

DEC 09 2013

OFFICE OF THE BANKRUPTCY CLERK  
ALBANY, NY